

REMARKS

Claims 1-21 are pending in the application. Claims 1, 7-10 and 12-17 have been canceled. Of the canceled claims, claims 12-17 had been previously withdrawn due to an earlier restriction requirement. Claims 2-6, 11, 18, and 21 have been amended. New claims 22 and 23 have been added. Claims 2-6, 11, and 18-23 remain in the application.

The independent claims 18 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Eidler et al (U.S. Patent No. 6,242,125).

Claims 2-4, 11, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eidler in view of Barr et al. (U.S. Patent No. 4,628,302).

Claims 18 and 21 have been amended to recite more clearly that containment member disposed underneath and exterior to the plurality of stacked cells, and that a sensor disposed in a space between the interior of the containment member and the exterior to the stacked cells, the sensor detecting the presence of fluid in the space between the interior of the containment member and the exterior of the stacked cells.

Eidler's level sensor 130 is not disposed in a space between the interior of the containment member and the exterior to the stacked cells and is not configured to detect the presence of electrolytic fluid in the space between the interior of the containment member and the exterior of the stacked cells.

Barr discloses a liquid level detection system for measuring the presence or absence of a conducting liquid in a vessel. However, Barr does not suggest arranging a probe in a space between the interior of the containment member and the exterior to the stacked cells, as recited in claims 18 and 21.

At least for these reasons, it is Applicant's contention that claims 18 and 21 are patentable over the art of record. Claims 2-6, 11, 10, 20, 22 and 23 depend from claim 18, recite additional features and are patentable for at least the same reasons that claim 18 is patentable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 18-1945, referencing the attorney docket number PPCO-P01-015.

Dated: August 25, 2005

Respectfully submitted,

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